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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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GILES K.J. MANLEY,                                      )
13                                                      )
                     Petitioner,                        )          3:11-cv-00385-ECR-RAM
14                                                      )
     vs.                                                )          **ORDER**
15                                                      )
     E.K. McDANIEL, *et al.*,                           )
16                                                      )
                     Respondents.                       )
17                                                      )
     _____/

18

19        This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner,

20   a state prisoner, is proceeding *pro se*.  It appears to the Court that petitioner intended to file the

21   petition in this case, which is labeled an "amended" petition, in an earlier filed case, 3:11-cv-00354-

22   HDM-RAM.  Because the timeliness of a petition is often an issue in a Section 2254 action, the

23   Court directs the Clerk to file the operative documents in this case in the earlier filed case so that

24   petitioner may benefit from the earliest filing date.  The Court directs petitioner to file all documents

25   pertaining to his petition for writ of habeas corpus in the case bearing the following case number:

26   3:11-cv-00354-HDM-RAM.  The Court will address petitioner's motion for leave to proceed *in*

1  *forma pauperis* and his motion for the appointment of counsel in a separate order in case number

2  3:11-cv-00354-HDM-RAM.

3       **IT IS THEREFORE ORDERED** that the **Clerk shall** file the motion for leave to proceed

4  *in forma pauperis* (ECF No. 1), the motion for appointment of counsel (ECF No. 3), and the

5  financial certificate (ECF No. 4) in case number 3:11-cv-00354-HDM-RAM.

6       **IT IS FURTHER ORDERED** that the **Clerk shall** file this order in the instant case and in

7  case number 3:11-cv-00354-HDM-RAM.

8       **IT IS FURTHER ORDERED** that the **Clerk shall** close this case.

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10       Dated this 9th day of June, 2011.

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12                          UNITED STATES DISTRICT JUDGE

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